

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 3
FOR THE REGULAR MEETING OF
MONDAY, AUGUST 1, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-S404: Grant Application to the State of California Department of Housing & Community Development for the North City Migrant Housing Project.

(North City Community Area. District 1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-104)

Authorizing the City Manager, or his designee, to apply for a state grant from the California Department of Housing & Community Development, Joe Serna, Jr. Farm Worker Housing Grant Program to fund a proposed migrant housing project in the coastal north city area of the City of San Diego;

Authorizing the City Manager, or his designee, to take the necessary actions to secure the Grant funds from the California Department of Housing & Community Development, Joe Serna, Jr. Farm Worker Housing Grant Program for the proposed project;

Authorizing the City Manager, or his designee, to accept the state Grant in an amount of up to \$3,000,000 for the proposed project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend the Grant funds;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing fund for the Grant.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S404: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

Because of the topography and proximity to agricultural work, the coastal north city area of the City of San Diego has historically been the refuge for migrant workers. Encampments have been established in the canyons, hillsides and riverbeds of that region. It is estimated that there are approximately two hundred (200) unhoused workers. According to Police Officers monitoring the impacted areas, the encampments were comprised of young males. There were no known families observed living in the canyons.

Community & Economic Development Department has recently been informed of a state grant of up to \$3,000,000 from the California Department of Housing and Community Development, Joe Serna, Jr. Farm Worker Housing (JSJFWH) Grant program to fund a migrant housing project in the coastal north city area of the City of San Diego.

If awarded, the funds will be used for, among other things, each of the following: to obtain the required permits; to prepare the land; to provide water, utilities, and sewer; to place residential units on-site; and, to manage and operate the project. Once a site has been identified and has gone through the appropriate community and public process, the City Auditor and Comptroller is authorized to accept, appropriate, and expend the Grant funds for such expenses as electricity, sewer and water connections to ensure compliance with appropriate housing standards.

In addition to housing, the City anticipates proposing a job center onsite to enable growers and other related employers to have request needed workers in an orderly manner. This is a critical element in the proposal as currently the migrant workers must stand on street corners in communities waiting to be picked up by local growers and landscapers for jobs. This often leaves some migrants without employment, creating a community concern about their activities and whereabouts during the day.

This action only allows for the application, acceptance and expenditure of a state grant, which has an August 8, 2005, application deadline. Should a specific project site and subsequent proposed housing profile be determined the program proposal will be brought forward for Council review and approval within the next 60-90 days. If other Council Districts are interested in developing a similar project in their area, additional grant funding can be pursued.

FISCAL IMPACT:

There could be future impacts on general funds and an analysis will be conducted prior to coming forward with a plan for implementation. If the City is unable to move forward, the funds can be returned to the Grantor (HCD, State of California).

Oppenheim/Fischle-Faulk/SJ

Staff: Sharon Johnson – (619) 533-6525

Michael D. Neumeyer – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

ITEM-S405: Two actions related to Calling Special Elections in Council Districts 2 and 8.

(See City Clerk's Report No. 05-08; and letters dated 7/20/2005 from Deputy Mayor Zucchet and Councilmember Inzunza.)

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem-A; and adopt the resolution in Subitem-B:

Subitem-A: (O-2006-21)

Introduction and adoption of an Ordinance calling a Municipal Special Election in the City of San Diego on Tuesday, November 8, 2005, to fill vacancies in Council Districts 2 and 8; and consolidating the election with the California State Special Election to be held on the same date.

Subitem-B: (R-2006-102)

Requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on Tuesday, November 8, 2005, to fill vacancies in Council Districts 2 and 8, with the California State Special Election to be held on the same date.

SUPPORTING INFORMATION:

Councilmembers Michael Zucchet and Ralph Inzunza have announced their resignations effective Monday, July 25, 2005, leaving vacancies in the office of Councilmember for District 2 and District 8. Pursuant to Charter Section 12, the City Council is required to fill the vacancy by special election because there is more than one year remaining in the term of office.

This action is to request that the City Council adopt an ordinance calling a Special Primary Election to fill the vacancies at an election to be held November 8, 2005; and to adopt a resolution requesting the services of the Registrar of Voters.

The procedures for filling a vacancy in a Council office by special election are contained in Divisions 7 and 9 of Chapter 2, Article 7 of the San Diego Municipal Code (SDMC). SDMC Section 27.0902 specifies that the special election must be held within 90 days of the date of the vacancy; or, if there is a regular municipal, statewide, or countywide election scheduled to be held within 180 calendar days of the vacancy, the City Council may consolidate the special election with that regular election. The statewide special election is scheduled for November 8, 2005 and a special run-off election to fill the Mayoral vacancy has already been consolidated with this election.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED: (Continued)

ITEM-S405: (Continued)

SUPPORTING INFORMATION: (Continued)

Following this Council action, the Clerk's Office will open the nomination period for potential candidates on August 2, 2005. The deadline for filing nomination papers will be Friday, August 12, 2005. If one candidate for a given office receives the majority of votes cast for all candidates in the special election, that candidate will be elected to the vacant office.

If no candidate for a given office receives a majority of votes cast in the special election, a special run-off election will be held.

A candidate elected at either the special election or at the special run-off election called by the City Council to fill the vacant office shall be declared elected to the unexpired term of his or her predecessor and will assume office at the time the City Council adopts the resolution declaring the results of the election.

Maland

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-S406: Appointment of a Mayor Pro Tem to Perform Mayoral Duties in the Absence of the Deputy Mayor.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-98)

Declaring that the City Council hereby creates a temporary office of Mayor Pro Tem;

Declaring that in the event that the Deputy Mayor is absent or otherwise unable to fulfill the duties of the Mayor during the Mayoral vacancy, the Mayor Pro Tem shall perform all of the duties of the Mayor as prescribed by the City Charter or by ordinance;

Declaring that the person elected to assume the office of Mayor Pro Tem shall remain in such office for so long as there exists a vacancy in the office of Mayor, or until removed at the pleasure of the City Council;

Declaring that upon the filling of the Mayoral vacancy, this Resolution shall cease to have any legal effect, and any person elected to serve as Mayor Pro Tem shall cease to possess any authority granted under this Resolution;

Electing to the position of Mayor Pro Tem.

SUPPORTING INFORMATION:

On July 13, 2005, the City Attorney issued a Memorandum of Law (ML-2005-13) regarding the legality of appointing a Mayor Pro Tem to fulfill the duties of the Mayor in the event that the Deputy Mayor is absent or unable to fulfill the duties during the period of the mayoral vacancy. The memorandum advises that both the Charter and Municipal Code are silent with regard to the selection of a person to assume Mayoral responsibilities in situations where the Mayor is absent and the Deputy Mayor is unable to perform the necessary functions. However, the Permanent Rules of the Council provide that Roberts Rules of Order would be the authority to rely upon in this type of situation. In particular, Roberts Rules of Order contemplates a situation where both the chairperson and vice-chairperson might be unavailable to perform their duties, and provides authority for the creation of a "pro tem" position. In this similar situation, the City Council may select a Councilmember to serve as "Mayor Pro Tem," a temporary position that would entail fulfilling all the duties of the mayor in the event that the Deputy Mayor is unavailable during the period of the Mayoral vacancy. Upon election of a Mayor, the position of Mayor Pro Tem would be extinguished.

Girard

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S407: Appointing Elizabeth Maland to the Position of City Clerk.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-97)

Appointing Elizabeth Maland to the position of City Clerk of the City of San Diego;

Declaring the salary of the City Clerk shall be set in the amount of \$118,000 per year, and that the City Clerk shall receive a standard package of management benefits.

SUPPORTING INFORMATION:

On July 25, 2005, in closed session the City Council voted to offer the position of City Clerk to Elizabeth Maland, subject to agreement on an appropriate salary. Ms. Maland has accepted the position, and agreement was reached on an annual salary of \$118,000 plus a standard package of City management benefits.

Girard/Ewell